

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for Penalty)
Relief of:)

MORTON R. MAZAHERI)
Physician's and Surgeon's)
Certificate No. A-30149)

Case No. 27-2013-229461

OAH NO. 2014010504

Petitioner.)

ORDER DENYING PETITION FOR RECONSIDERATION

The Petition filed by Robert K. Steinberg, Esq., on behalf of Morton R. Mazaheri, for reconsideration of the decision in the above-entitled matter having been read and considered by the Medical Board of California, is hereby denied.

This Decision shall become effective at 5:00 p.m. on **June 26, 2014**.

IT IS SO ORDERED: June 25, 2014.

MEDICAL BOARD OF CALIFORNIA

By: Dev Gnanadev *MD*
Dev Gnanadev, Chair
Panel B

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for Penalty Relief of:)	
)	
)	
MORTON R. MAZAHERI)	MBC File # 27-2013-229461
)	
Physician's & Surgeon's)	OAH No. 2014010504
Certificate No. A-30149)	
)	
_____Petitioner.)	

**ORDER CORRECTING NUNC PRO TUNC
CLERICAL ERROR IN "CASE NUMBER" PORTION OF DECISION**

On its own motion, the Medical Board of California (hereafter "board") finds that there is a clerical error in the "case number" portion of the Decision in the above-entitled matter and that such clerical error should be corrected so that the case number will conform to the Board's issued decision.

IT IS HEREBY ORDERED that the case number contained on the Decision Order Page in the above-entitled matter be and hereby is amended and corrected nunc pro tunc as of the date of entry of the decision to read as "27-2013-229461".

IT IS SO ORDERED May 28, 2014



Dev Gnanadev, M.D., Chair
Panel B

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition for
Penalty Relief of:**

MORTON R. MAZAHARI

**Physician's and Surgeon's
Certificate No. A-30149**

Petitioner.

Case No. 27-2012-229461

OAH No. 2014010504

DECISION

The Proposed Decision of Samuel D. Reyes, Administrative Law Judge, dated April 23, 2014 is attached hereto. Said decision is hereby amended, pursuant to Government Code section 11517(c)(2)(C), to correct technical or minor changes that do not affect the factual or legal basis of the proposed decision. The proposed decision is amended as follows:

1. Page 1, Case No. 2014010504 is stricken and replaced with Case No. 27-2013-229461 and OAH No. 2014010504.

The Proposed Decision as amended is hereby accepted and adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 26, 2014.

IT IS SO ORDERED May 27, 2014.

MEDICAL BOARD OF CALIFORNIA

By: Dev Gnanadev MD
Dev. Gnanadev, M.D., Chair
Panel B

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA

In the Matter of the Petition for
Penalty Relief of:

MORTON R. MAZAHERI,

Petitioner.

Case No. 2014010504

PROPOSED DECISION

This matter came on regularly for hearing before Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, in Los Angeles, California, on April 1, 2014.

Robert K. Steinberg, Attorney at Law, represented Morton R. Mazaheri (Petitioner).

Richard D. Marino, Deputy Attorney General, appeared pursuant to Government Code section 11522.

Petitioner filed a Petition for Penalty Relief (Petition) seeking reinstatement of his revoked physician's and surgeon's certificate. Oral and documentary evidence was received at the hearing, and the matter was submitted for decision.

FACTUAL FINDINGS

1. The Petition was filed on January 2, 2013.
2. Petitioner obtained his medical degree in 1964 from the Gutenberg University in Germany. He completed an internal medicine externship at the same institution in 1968. He received additional training in Germany, in internal medicine and surgery, before moving to the United States in 1970. Petitioner trained in plastic surgery in hospitals in Cincinnati, Ohio, Roanoke, Virginia, and McKeesport, Pennsylvania. He obtained board certifications in plastic surgery (1979) and cosmetic surgery (1997). Petitioner distinguished himself in the fields of plastic surgery and cosmetic surgery, in which he had many high profile patients. He also provided some of his services for free to those in need.
3. On June 7, 1976, the Medical Board of California (Board) issued Physician and Surgeon's Certificate number A 30149 to Petitioner.

4. On December 19, 2008, the Board issued a Default Decision and Order revoking Petitioner's physician and surgeon's certificate. Petitioner failed to appear at a hearing scheduled for June 23, 2008, and the Board concluded that by reason of his failure to appear Petitioner had admitted the truth of the allegations of a then-pending Third Amended Accusation. The Board determined that Petitioner had engaged in gross negligence, repeated negligent acts, incompetence, and dishonest and corrupt acts, that he failed to maintain adequate and accurate records, and that he engaged in unprofessional conduct in connection with the care and treatment he provided to ten patients during the period of July 1, 1999 through February 28, 2006. The Board further determined that Petitioner's acts included performing surgery at uncertified facilities, performing cosmetic surgery below the standard of care, failing to administer required anesthesia, failing to obtain informed consent, using unqualified or untrained personnel to assist in surgery and to provide postoperative care, and filing frivolous lawsuits against former patients to dissuade them from filing malpractice lawsuits. The Board vacated its decision on December 29, 2008, but reinstated it on January 15, 2009.

5. Petitioner has kept active since the revocation of his certificate by volunteering to perform surgery in countries in Asia and the Middle East, by appearing as a guest in and by supporting a broadcast station operated by his son, by producing and promoting a line of skin care products, and by painting and sculpting. Some of the surgeries Petitioner has performed overseas have been for charity. Petitioner primarily relies on Social Security for support, as the proceeds of the sale of skin care products are used to fund his son's station.

6. In order to maintain his medical knowledge, Petitioner participates in on-line courses and takes examinations based on the material he has covered. He has also been studying astronomy, biology, and other subjects in order to broaden his knowledge of medicine.

7. Mohsen Tavoussi, D.O. (Tavoussi), has known Petitioner for approximately ten years and testified in support of reinstatement of Petitioner's certificate. Dr. Tavoussi testified that Petitioner is well-known throughout the world and has a good reputation in the community. In 2007, at Petitioner's request, Dr. Tavoussi observed Petitioner perform an abdominoplasty and bilateral breast reduction procedure. In Dr. Tavoussi's opinion, Petitioner followed surgical protocols and displayed excellent skill.

8. Maryan Sanaei, who has been employed by Petitioner since 2003 or 2004, testified that Petitioner is honest and trustworthy and that he has a good reputation.

9. Petitioner submitted three letters from physicians attesting to his good character and skill as a physician and surgeon, one from Parviz Balavi, M.D., dated January 14, 2013, one from Mike Mirahmadi, M.D. dated January 8, 2013, and one from Dr. Tavoussi.

10. Petitioner wants to reinstate his certificate so that he can perform a few surgical procedures and return to teaching medical students.

11. The acts that led to the revocation of Petitioner's certificate were very serious and relatively recent. Petitioner did not express any remorse for his actions or provide evidence about steps taken to learn from mistakes made. He has completed a few continuing medical education courses. Thus, despite his past accomplishments and the regard of his colleagues and others, Petitioner has not established sufficient rehabilitation to warrant reinstatement of his certificate.

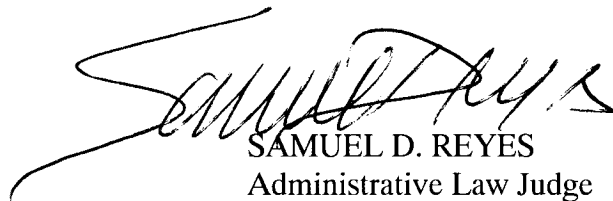
LEGAL CONCLUSION

Cause does not exist pursuant to Business and Professions Code section 2307 or California Code of Regulations, title 16, section 1360.2, to reinstate Petitioner's certificate, by reason of factual finding numbers 1 through 11.

ORDER

The petition of Morton R. Mazaheri for reinstatement of his physician and surgeon's certificate is denied.

DATED: 4/23/14

A handwritten signature in black ink, appearing to read 'Samuel D. Reyes', is written over the printed name.

SAMUEL D. REYES
Administrative Law Judge
Office of Administrative Hearings